

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DESEAN HILL,

Petitioner,

v.

CAPT. BANKS, et al.

Respondents.
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BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

USDC SDNY
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ELECTRONICALLY FILED
DOC#

DATE FILED: 11/13/2012

11 Civ. 06599
(BSJ) (KNF)

Order

On June 29, 2012, Magistrate Judge Fox issued a Report and Recommendation ("Report"), recommending that this Court grant Respondents' motion to dismiss Petitioner's complaint, without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Petitioner failed to object to Judge Fox's Report within 14 days, as ordered pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure.

STANDARD OF REVIEW

When a magistrate judge issues findings or recommendations, the district court "may accept, reject, or modify [them] in whole or in part." 28 U.S.C. § 636(b)(1)(C). The court reviews *de novo* any portions of a magistrate judge's Report and Recommendation to which a petitioner has stated an objection. 28 U.S.C. § 636(b)(1)(C); see United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). However, "[w]here no objections are filed . . . the court reviews the report for clear error." Brown

v. Ebert, No. 05 Civ. 5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006) (citing Gardine v. McGinnis, No. 04 Civ. 1819, 2006 WL 3775963, at *4 (S.D.N.Y. Dec. 20, 2006)).

ANALYSIS

Petitioner has failed to file objections within the specified 14-day period, as ordered by Magistrate Judge Fox pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure. Accordingly, the Court only reviews the Report for clear error.

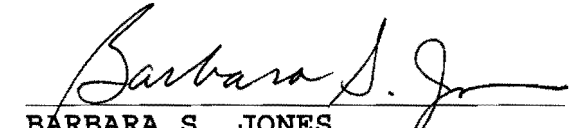
Upon review, the Court finds no clear error on the face of the record, and confirms and adopts the Report in its entirety. See King v. Greiner, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); see also Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). The failure to file objections within the 14-day period precludes appellate review. See Thomas v. Arn, 474 U.S. 140 (1985); Cephas v. Nash 328 F.3d 98, 107 (2d Cir. 2003).

CONCLUSION

Thus, adopting the Report in full, the Court dismisses the complaint against all Respondents without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

The Clerk of the Court is directed to close the case.

SO ORDERED:



BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
November 9, 2012